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19.10.2023
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IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. No. 25088 of 2023

Ratan Dey & Anr.
Vs.
The State of West Bengal & Ors.

Ms. Riya Das,
Mr. Pradyut Kumar Bhandary
.... for the petitioners

Mr. Suman Dey,
Mr. Parikshit Goswami
....for the State

1. Leave is granted under Rule 26 of the Writ Rules insofar as the other respondents than the State is concerned. Since the State is represented through learned counsel, further service is not directed on the State.

2. The grievance of the petitioners is limited. The petitioners had approached this Court previously due to non-availability of a forum. An order was passed by this Court in W.P.A. No. 21634 of 2023 on September 05, 2023 whereby a limited stay till September 22, 2023 was granted in respect of an order passed by the Chief Judicial Magistrate under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to

enable the petitioners to approach the concerned Debts Recovery Tribunal.

3. Learned counsel appearing for the petitioners submits that till date, the Debts Recovery Tribunal is not functional.

4. Keeping in view the circumstances, W.P.A. No. 25088 of 2023 is disposed of by granting a further stay of operation of the order passed by the Chief Judicial Magistrate, Barasat against the petitioners under Section 14 of the 2002 Act till January 31, 2024 or until further order passed by the Tribunal, whichever is earlier.

5. Leave is granted to the petitioners to approach the concerned Tribunal in the meantime for allocation of the petitioner's matter to some other functioning Bench.

6. In the event the Bench remains non-functional for a considerable period even after this order, the petitioners will be at further liberty to approach the appellate Tribunal under the appropriate provisions of the Debts Recovery Act for allocation of the petitioners' application from the Bench-in-question to some other Bench for the purpose of expeditious disposal of the same.

7. There will be no order as to costs.

8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)